

EXHIBIT A

WEINSTEIN COUTURE PLLC
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Counsel for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

NO. 2:15-MD-02641-DGC

This Document Relates to:
2:16-cv-3567-PHX-DCG

AMENDED SECOND AMENDED
MASTER SHORT FORM
COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Alexandra Elizabeth Rourke

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Not Applicable

1 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
2 conservator):

3 Not Applicable

4 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of
5 residence at the time of implant:

6 Washington

7
8 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of
9 residence at the time of injury:

10 Washington

11
12 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

13 Washington

14 7. District Court and Division in which venue would be proper
15 absent direct filing:

16 Western District of Washington

17
18 8. Defendants (check Defendants against whom Complaint is made):

19 ☒ C. R. Bard Inc.

20 ☒ Bard Peripheral Vascular, Inc.

21 9. Basis of Jurisdiction:

22 ☒ Diversity of Citizenship

23 ☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☒ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

June 6, 2011 June 1, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Washington State Law
Prohibiting Consumer Fraud and Unfair and Deceptive
Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages
- ☐ Other(s): _____ (please state the facts
supporting this count in the space immediately below)

1 13. Jury Trial demanded for all issues to triable?

2 ☒ Yes

3 ☐ No

4
5 RESPECTFULLY SUBMITTED this 22nd day of November, 2016.

6 WEINSTEIN COUTURE PLLC

7 By: s/ Brian D. Weinstein

Brian D. Weinstein, WSBA No. 24497

8 *Admitted Pro Hac Vice*

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9 Seattle, Washington 98101

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10 Email: brian@weinsteincouture.com

11 Counsel for Plaintiff

12
13
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on November 22, 2016, I electronically transmitted the
16 attached document to the Clerk's Office using the CM/ECF System for filing and
17 transmittal of a Notice of Electronic Filing.

18
19 /s/ Alyssa Stout

Alyssa Stout

20 Legal Assistant